

**Minutes  
Windsor Town Council Meeting  
Town Hall  
February 10, 2009**

The Windsor Town Council met in regular session on February 10, 2009 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. He welcomed those who were present. He asked for anyone with cell phones to please turn them off. He asked the Clerk to call the roll. Robin Hewett, Town Clerk, recorded the minutes. John L. Rowe, Jr., Interim Town Manager, Police Chief Robert Porti, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present:	Wesley F. Garriss J. Clinton Bryant William L. Jones Durwood V. Scott Greg Willis Carita J. Richardson
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Mayor Crocker asked Vice-Mayor Jones to give the invocation. Vice-Mayor Jones gave the invocation. Mayor Crocker thanked Vice-Mayor Jones for standing in for him at the last Council meeting. He said he was under the weather and unable to attend.

**Public Hearings**

None

**Delegations, Public Comments, and Citizens Concerns**

Mr. Rowe said Marci Parrish and Judy Winslow from Isle of Wight County would not be at the meeting tonight. He said they would come before Council at a later date.

Kim Gore, 11131 Old Suffolk Road, said she was present on the matter of the water lines on Old Suffolk Road. She said she received a letter in the mail on February 2, 2009, and the letter does not state how much it is going to cost the residents to connect. She said Council should take a survey of the neighborhood to see if everyone wants town water. Ms. Gore said being a single mom she cannot afford to be on the town water system. She said she does not have any problems with her current water supply. She said she has talked with several friends that have town water, and one of her friend's children cannot drink the town water because it stains their teeth. She said on her deed of her home it states that Creason has the rights to the water system in that neighborhood. Ms. Gore said she does not know what the legal issue is on Creason's rights. She

said Council should talk to residents before pushing things down their throat. She said she would rather see the money spent on the police department than having a water line extended to the neighborhood.

Billy Gwaltney, 23489 Deer Path Trail, said he has a couple of issues on Shiloh Drive. He said Dominion Power came through and upgraded the power lines. He said they are supposed to move the poles, but they had to wait on Charter and Verizon to connect their lines before removing the poles. Mr. Gwaltney said the poles were to be moved in three to six weeks, which still has not happened. He said there are two poles at the end of Deer Path and Shiloh with only a foot in between and this is creating a blind spot for residents in that area. Mr. Gwaltney said the other issue is the silt fence at Holland Meadows. He said the fence is down and the grass is getting tall. He said this is an eye sore for his neighborhood.

### **Consent Agenda**

Mayor Crocker asked for approval of the consent agenda, which includes the minutes of the January 27, 2009 Council meeting and the Treasurer's reports. Councilman Garriss made a motion to approve the consent agenda. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

### **Interim Town Manager's Report**

#### ***Budget Transfer – Police Department***

Mr. Rowe said Council previously authorized a lease contract for two police cars for two equal payments of \$35,888.51. He said that the Town has paid the first year's payment, and the Town needs to now pay the second year. He said the Town's 2009-2010 budget only has \$35,000 for the police car; therefore, it is short by \$888.51. Mr. Rowe said Chief Porti has identified the sum of \$888.51 in the Repairs and Maintenance budget account available for transfer. He said he recommends that Council authorize this transfer from Repairs and Maintenance to budget account Police Car.

Councilman Garriss made a motion to approve the transfer of \$888.51 from budget account Repairs and Maintenance to budget account Police Car. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

#### ***Preliminary Site Plan for the Town Hall Complex***

Mr. Rowe said Council directed him to develop a preliminary site plan for the Town Hall complex with the goal of improving parking and traffic flow. He reviewed the preliminary site plan with Council. He said the site plan significantly

increases the number of parking spaces by approximately twenty-five. He said it provides four additional parking spaces for the post office on the east side where there are currently no parking spaces. He said this site plan eliminates those dangerous entrances off of Route 460. Mr. Rowe said all the parking for Town Hall and the post office would be served off of Church Street. He said the preliminary site plan anticipates moving the Centennial Park to another location. He said several meetings ago Vice-Mayor Jones made a recommendation that Council consider moving the Centennial Park to the library park. He said the plan locates the police station on the Saunders Property. Mr. Rowe said he has discussed the site plan with the postmaster, and he likes it. He said the postmaster feels the layout is much safer. Mr. Rowe explained where the drop-off mailboxes would be located as well as the Town Hall night deposit box in the preliminary site plan. He said he has also discussed the site plan with the owner of the pharmacy, and he likes it too. Mr. Rowe said if the plan was approved the owner of the pharmacy would open a back door access to his store. He discussed additional options that could be done on the preliminary site plan. Mr. Rowe said this site plan is preliminary, and he is not asking for any action tonight. He said he would like feedback from Council.

Councilman Garriss asked about who owns the big tree that is located on the east side of the Verizon building. Mr. Rowe said he did not know at this time, but feels that the tree needs to be removed because it is a quite mature tree. Mayor Crocker asked if there would be some obvious differences between the post office mailbox and the Town Hall drop box. Mr. Rowe said yes, typically drop boxes are all white in color.

Councilwoman Richardson said she still likes the idea of having more drop-off mailboxes in other areas of the town. She asked if the total number of parking spaces proposed on the preliminary site plan for the post office was sufficient for a post office this size. Mr. Rowe said the postmaster was pleased to see the additional four parking spaces located close to the front door of their building.

### ***Rural Development Loan Project – Water Line Extension***

Mr. Rowe said Councilwoman Richardson asked to have this item on the agenda for Council's discussion. He said he thought it would be useful for Council to have the history of the Rural Development Loan Project as it is in the public records. He said Council's discussion of this project dates back to at least two years ago to February 2007 when Council's Utility Committee recommended to Council that the Town seek a grant from the United States Department of Agriculture to fund a preliminary engineering report for this project. Mr. Rowe reviewed the steps Council has taken on this project to date. He said there has been a lot of public discussion on this project.

Mr. Rowe said Council, at their last meeting on January 27<sup>th</sup>, adopted a resolution appropriating \$222,562 from the Rural Development loan proceeds for

engineering services to implement the Rural Development Project. He said the resolution also approved the contract between the Town and Weeks Engineering for the engineering services for this project. He said the engineer started on the water line extension last week. Mr. Rowe said a letter of introduction was hand delivered to each resident in the area. He said the letter was not mailed through the U.S. Postal service. He said the purpose of the letter was to introduce the engineer to the various property owners that front on the water line extension and to have the property owner identify a suitable location for a meter box. He further discussed the issue with having the proper location of the meter box. He said this component of the project would be completed this calendar year.

Mr. Rowe said that the memorandum includes background information on the action that Council took several years ago on the water line extension project on the east side of town. He said that for this project Council discounted the "tap fee", which is what it was called at that time from \$3,000 to \$500. He said the Town gave the property owner a 90-day period to take advantage of the discounted rate; after the 90-day period, Council directed that the tap fee go back to \$3,000. He said Council also allowed the property owner to pay the \$500 on an installment basis over a one-year period. Mr. Rowe said a fee change for the current project would require Council action.

Mr. Rowe said Council has a good history of public discussion of this matter over the past two years. He said the history indicates that the Town's process in deliberating this matter allowed for public participation, and the process was both thoughtful and good. Mayor Crocker said this project has been discussed under the Utility Committee and with former Council members previously on Council since the annexation was agreed upon.

Mr. Rowe explained the State Health Department's regulations on major water systems. He said there is a threshold size of 25 individuals that are served by the water system in order to be regulated by State laws. He said the State Health Department regulates 3,000 water systems throughout the state. He said because of the size of the two Creason water systems that serve Tyler Drive and Old Suffolk Road; the State Health Department does not regulate these two water systems. He said there is no requirement to do any testing at all, and the health department has no data about the Creason systems. Mr. Rowe said in this part of Virginia there are concerns about fluoride in groundwater. He said fluoride occurs naturally in all water sources in the world in different concentrations. He continued by explaining fluoride in the water and its effects when in higher levels than those recommended by the health department. He said the Town's most recent analysis of the town water shows that the town is below the federal fluoride limit. Mr. Rowe and Council discussed water samples taken on the town water system and also on the Creason water system, and the results that were found. Mr. Rowe said there is not data available to the town to do a side-by-side comparison of the Creason water against the town water on all the chemical parameters that the town must meet.

Mayor Crocker asked Mr. Pretlow if Council had conducted all the public hearings in accordance to law. Mr. Pretlow said yes, Council has done everything in accordance with the required laws.

Vice-Mayor Jones asked is the town water too expensive. He said to have some facts and figures to consider for a bill of 10,348 gallons of usage, the City of Franklin's bill is \$41.90, Norfolk \$50.94, Portsmouth \$45.88, Smithfield \$45.69, Suffolk \$69.79, Isle of Wight \$50.87 and Windsor would be \$44.65. He said the town is not over charging for sale of its water. He said the auditors pointed out that the town is losing money on the water.

Councilwoman Richardson said Council needs to take some responsibility on getting the information out to the residents by public hearing advertisements because it was not specifically stated in the advertisement the streets that would be getting the water line extensions. She said that in the future Council needs to be more specific with the information that goes in the public advertisements. She said they also need to decide on the cost of the connection fee for the residents and any payment arrangements tonight. Councilwoman Richardson said they need to look at whether the Town can afford to do the entire project at this time with the economy in the state it is at the present time. She said maybe some parts of the project should be put on hold. Councilwoman Richardson said if the residents want the water lines then Council should do this because it has been promised to the residents, but if the majority does not want the water lines she does not feel that the Town can raise everyone's water bill to pay for this.

Mr. Rowe said he has had no discussions with Rural Development about amending the loan. He said he would be glad to have that discussion if Council so desires. He said he does not know if it puts the balance of the loan in jeopardy or not. He said if the Town has "cold feet" at this time, then this part of the loan should not have been applied for. He said he does not know what the reaction would be from Rural Development. He said the Town cannot close on the loan until there are bids in hand for all components on the project. He said if Council decides not to extend water services, then it needs to make the decision early so the Town can ask Rural Development on how to handle the loan and process from this point forward.

Mr. Pretlow said he would like to remind Council that if the Town starts cutting customer growth, it starts affecting the income that the Town would receive towards paying on the bond. He said while we live in a democracy, one segment does not get to decide whether water lines are run or not. He said that the Town needs to treat all of the residents the same. He said part of the obligation stated in the annexation agreement is that the Town would extend municipal services to the newly annexed areas. He said the agreement does not say if the majority of the people want the service then the Town would provide the service. He said water line extension is part of the infrastructure for the entire Town. He said it is not up to each area to vote whether or not they want the service. He said

Council has a requirement to complete what was started in 2001 with the annexation before 2011. Mr. Pretlow said the Town is behind, and it needs to pick up the pace on getting everyone into the same plan.

Councilman Willis asked for a comment regarding those residents wishing not to connect to the water system. Mr. Pretlow said there is a mandatory hook up policy. He said the resident can pay for the tap fee and pay the minimum fees, and they do not have to use the water. He said there is no requirement for that.

Council and Mr. Rowe further discussed the tap fee and the time period for residents to pay the amount agreed upon. Councilman Garris said the Utility Committee would like to make a motion to charge a connection fee of \$1,000 and waive the facility fee and give residents a 90-day period to take advantage of the discounted fee, and the residents to have up to two years to pay the \$1,000 connection fee. Vice-Mayor Jones seconded. After discussion among Council, Mayor Crocker called for the question. Council passed the motion 4 to 3 as recorded on the attached chart as motion #3.

### ***Discussion of Article Three of the Proposed New Charter***

Mr. Rowe said this is Council's continuing review of the proposed new Town Charter. He said Council is at the part to discuss Article Three, which is the section entitled "The Council". He said one of its provisions make the Mayor a voting member of Town Council. Councilwoman Richardson asked to have in section 3.1- Definitions to add treasurer to list of persons appointed by Council. She said in section 3.9 – Prohibitions the word "officers" should be changed to "officials" in the last sentence of the second paragraph. Mr. Pretlow said Section 3.6 – Compensation does not comply with state laws. He said he would suggest ending the first sentence at "resolution" and the remainder of that sentence to be taken out. Council discussed other sections of the Article, and no other changes were noted.

### ***Calendar of Events***

Mr. Rowe said that Council has the calendar of events for February and March 2009. He said if Council has any questions regarding the calendar, then he could answer them at this time.

### ***Other***

Mr. Rowe said the amount of delinquent taxes paid as of today is \$25,174.98. He said budget has been met on real estate taxes. He said real estate taxes collected to date is \$195,591.07, and the budgeted amount is \$195,000. He said he would continue to give updated reports.

Mr. Rowe said Council received a copy of the request from Bill Blankenship yesterday. He said it is a letter dated February 9<sup>th</sup> from William Blankenship representing the developer of Holland Meadows subdivision in which he is requesting to have a meeting with Council to discuss the status of the subdivision. Mr. Rowe said Mr. Blankenship intends to provide Council with some alternative proposals for the subdivision. Mayor Crocker said Council should hear what Mr. Blankenship has to say. He said Council could meet with him on the 4<sup>th</sup> Tuesday at 4:00 p.m. if it is in agreement with Council. Councilman Bryant said he would not be available on that date. Mayor Crocker made a motion to have a Called Council meeting on February 24<sup>th</sup> at 4:00 p.m. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Councilman Bryant left the Council meeting at 8:50 p.m.

### **Police Chief's Report**

Chief Porti said the Council agenda package includes the crimes and offenses report for the month of January 2009. He said there were 190 calls for service during the month, of which they responded to 182. Chief Porti said there were a total of 228 traffic stops, which resulted in 212 summons and 16 warnings. He said there was one wanted person and one DUI arrest made through traffic enforcement action. He reported that there were eight felony arrests, resulting in 15 charges, and 4 misdemeanor arrests, resulting in 11 charges.

Chief Porti said on January 20<sup>th</sup> Windsor Police responded to the 50 block of Church Street for a report of a gunshot victim. He said investigations revealed the shooting occurred in the City of Franklin.

Chief Porti said the department has started a new investigative effort within the county. He said Windsor Police Department, Smithfield Police Department, Isle of Wight Sheriff's Office, and the Commonwealth Attorney's Office have started a monthly round table meeting. He said the agencies will gather once a month to discuss overlap of investigations and to share information and resources.

### **Town Attorney's Report**

No report.

### **Mayor's Report**

Mayor Crocker said the latest Isle of Wight County Board action list is in the town office for Council's review. He said he, Vice-Mayor Jones, and Mr. Rowe attended the Legislative Day in Richmond. He said it was a busy and very informative day.

Mayor Crocker asked Councilwoman Richardson to report on their trip to Richmond. Councilwoman Richardson said she, Councilman Scott, Councilman Bryant, and Chief Porti attended a budgeting session. She said the meeting had a lot of different components. She said there were individuals available with information on where loans could be obtained. She said they brought back copies of the information to share with the rest of Council.

Mayor Crocker asked the Town Manager to invite Mr. Neblett with VDOT to the February 24<sup>th</sup> Called Council meeting.

#### **Fire Department/Rescue Squad Committee**

No report.

#### **Public Health & Safety/Street Committee**

No report.

#### **Finance Committee**

Councilman Garris said the budget calendar has the committee and Mr. Rowe talking in April. He said if any other Council members have any input, maybe a work session could be scheduled in April. Mr. Pretlow said the budget calendar also states the public hearing set for the second meeting in May. He said Council would need to amend the budget calendar to make sure there is 10 days from the public hearing on the budget before adopting the budget.

#### **Personnel Committee**

Mayor Crocker said there is an item for closed session.

#### **Utilities/Property/Cemetery Committee**

No report.

#### **Parks & Library Committee**

No report.

#### **Planning Commission**

Mr. Rowe said the Planning and Zoning Report is before Council. He said there were three zoning permits issued in January. He said Mr. Stallings is out on family leave due to the birth of his daughter on February 9th.

Mayor Crocker said the next Planning Commission meeting is scheduled for February 25<sup>th</sup> at 7:00 p.m.

### **Economic Development Committee**

Councilman Scott said the committee had a joint meeting with Planning Commission in January. He said there was a Port Authority presentation given by Greg Edwards.

Councilman Scott said at the committee meeting February 9<sup>th</sup> the committee adopted the goals they had set. He said they also discussed the intermodal park. He said they also discussed whether or not to continue having the Business Appreciation Breakfast. He said the committee is open for suggestions on what type of business recognition they wanted to have. Councilman Scott said the Economic Development Committee recommends to Council to continue having the Business Appreciation Breakfast in April. Mayor Crocker said he feels the Town should continue having this event. Councilman Scott made a motion from the Economic Development Committee to continue having the Business Appreciation Breakfast in April. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #5.

### **Workforce Housing Committee**

No report.

### **Community Center Committee**

No report.

### **Old or Unfinished Business**

Vice-Mayor Jones asked if the Farmers' Market representatives could come to the February 24<sup>th</sup> Called Council meeting. Mr. Rowe said they are not ready to come before Council. He said they told him that they need more time. Vice-Mayor Jones said Council should think about adding crafts to the Farmers' Market to draw more people to the market. Mr. Rowe said he would be meeting with Ms. Parrish to discuss their ideas for the Farmers' Market.

### **New Business**

None

### **Closed Session**

Vice-Mayor Jones made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-1 for the purpose of discussing personnel matters regarding the hiring of a new town manager. Councilman Scott seconded, and

Council passed the motion unanimously as recorded on the attached chart as motion #6.

Councilman Bryant returned to the meeting at 9:20 p.m.

Councilwoman Richardson made a motion to go back into regular session. Councilman Garris seconded, and Council passed the motion unanimously as recorded on the attached chart as motion #7.

Vice-Mayor Jones made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D that Council discussed only public business matter lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilman Garris seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

Councilman Garris made a motion to change the time on the February 24<sup>th</sup> Called Council meeting from 4:00 p.m. to 3:00 p.m. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

Vice-Mayor Jones made a motion to adjourn. Councilman Garris seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10. The meeting adjourned at 9:36 p.m.

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Marvin A. Crocker, Jr.  
Mayor

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Robin Hewett  
Town Clerk

TOWN OF WINDSOR  
RECORD OF  
COUNCIL VOTES

Council Meeting Date February 10, 2009

Motion #	Jones	Garris	Richarson	Willis	Scott	Bryant	M. Crocker
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	N	Y	N	N	Y
4	Y	Y	Y	Y	Y	Y	
5	Y	Y	Y	Y	Y	Absent	
6	Y	Y	Y	Y	Y	"	
7	Y	Y	Y	Y	Y	Y	
8	Y	Y	Y	Y	Y	Y	
9	Y	Y	Y	Y	Y	Y	
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February 10, 2009  
Robin Hewett, Clerk